IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 15TH JANUARY 2007 / 25TH POUSHA 1928

WP(C).No. 13914 of 2006(F)

PETITIONER:

JOY, AGED 60 YEARS, RETD.PROFESSOR,
S/O.THOMAS, MAKKATTUKULANGARA HOUSE,
MUNDOOR DESOM, THRISSUR TALUK.

BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

RESPONDENT:

BABU, S/O.METHILAKATH VELAYUDHAN,
KURIACHIRA DESOM, CHIYYARAM VILLAGE,
THRISSUR.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON ON 15/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.13914 OF 2006

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE PHOTOCOPY OF COMMISSIONER'S PLAN IN I.A.7164/05 IN O.S.2565/05

EXT.P2 – TRUE PHOTO COPY OF THE ORDER IN I.A.7163/05 IN O.S.2565/05 OF 3RD ADDL.MUNSIFF'S OF TRICHUR DT.4.1.05

EXT.P3 – TRUE PHOTO COPY OF JUDGMENT IN CMA.187/05 OF DIST. COURT, TRICHUR, DT.23.12.05.

EXT.P4 – TRUE PHOTO COPY OF ORDER DT.11.1.06 IN APPEAL NO.962/05 OF THE TRIBUNAL FOR LOCAL SELF GOVT. INSTITUTIONS, THIRUVANANTHAPURAM.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C) No.13914 OF 2006

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DATED THIS THE 15TH JANUARY, 2007

J U D G M E N T

I am not persuaded to hold that the orders passed by the civil courts warrant correction under Article 227 of the Constitution of India. The Writ Petition will stand dismissed. The merits of the grounds raised by the writ petitioner impugning the order of the Tribunal and the order of the local authority which was impugned before the Tribunal will be examined in the connected matter, W.P.(C)No.8195 of 2006. However, there will be a direction to the Munsiff's Court, Thrissur which is presently in seisin of O.S.No.2565 of 2005 to dispose of the suit in accordance with law, uninfluenced by the findings in the order in I.A.No.7163 of 2005 and also in C.M.A.No.187 of 2005.

(PIUS C. KURIAKOSE, JUDGE)

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